IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA

MACON COUNTY INVESTMENTS, INC.; REACH ONE, TEACH ONE OF AMERICA, INC.,	)	
PLAINTIFFS,	)	
v.	)	**CIVIL ACTION NO.: 3:06-cv-224 WKW**
SHERIFF DAVID WARREN, in his official capacity as the SHERIFF OF MACON COUNTY, ALABAMA,	)	
DEFENDANT.	)	

REPORT OF PARTIES' PLANNING MEETING

1. Pursuant to *Fed.R.Civ.P.* 26(f), a meeting was held on September 6, 2006 and was attended by:

(a) Ramadanah M. Salaam-Jones, Esq., attorney for plaintiffs Macon County Investments, Inc. and Reach One, Teach One of America, Inc.

(b) Fred D. Gray, Jr., Esq., attorney for defendant Sheriff David Warren.

2. **Trial Date.** The parties could not reach an agreement as to the setting of the trial of this case.

(a) Plaintiffs prefer a trial date setting of February 12, 2007, with discovery deadlines set corresponding thereto.

(b) Defendant requests the case be set for the non-jury trial term that commences on June 4, 2007.

(c) The dates and deadlines listed below reflect suggested dates corresponding with a February 12, 2007 and a June 4, 2007 trial date.

3. **Pre-Discovery Disclosures.**

Plaintiffs: Based on a trial date of February 12, 2007 the parties will exchange the information required by Fed.R.Civ.P. 26(a)(1)(A)-(D) by September 31, 2006.

Defendant: Based on a trial date of June 4, 2007 the parties will exchange the information required by Fed.R.Civ.P. 26(a)(1)(A)-(D) by October 5, 2006.

4. **Discovery Plan.** The parties jointly propose to the Court the following:

(a) Discovery will be needed on the following subjects: causes of action, liability, damages, and areas identified or alluded to during previously taken depositions.

(b) **Plaintiffs:** Based on a trial date of February 12, 2007, all discovery will be commenced in time to be completed by January 12, 2006.

Defendant: Based on a trial date of June 4, 2007, all discovery will be commenced in time to be completed by May 1, 2007.

(c) Maximum of 40 interrogatories by each party to any other party. Responses due 30 days after service.

(d) Maximum of 20 requests for admissions by each party to any other party. Responses due 30 days after service.

(e) In addition to the depositions already taken in this action, the parties agree to a maximum of 10 depositions to be conducted by Plaintiffs and a maximum of 10 depositions to be conducted by Defendant, unless extended by agreement of the parties or further court order. Three depositions have been taken thus far, one by the Plaintiffs and two by the Defendant.

(f) Each deposition, other than of the parties, is limited to a maximum of eight (8) hours unless extended by agreement of the parties, or further court order.

(g) Reports from retained experts under Rule 26(a)(2) due:

(1) **Plaintiffs:** Based on a February 12, 2007 trial date, reports due from plaintiffs by November 13, 2006.

Defendant: Based on a June 4, 2007 trial date, reports due from plaintiffs by February 2, 2007.

(2) **Plaintiffs:** Based on a February 12, 2007 trial date, reports due from defendant by December 13, 2006.

Defendant: Based on a June 4, 2007 trial date, reports due from defendant by March 2, 2007.

(3) In the event the plaintiffs desire to name an expert witness in rebuttal to any expert witness named and identified by the defendant, then the plaintiffs shall identify any such rebuttal expert witness and produce to the defendant all reports of that witness within 30 days after the defendant has produced the reports of their expert witnesses.

(h) **Plaintiffs:** Based on a February 12, 2007 trial date, supplementations under Rule 26(e) due January 12, 2007.

Defendant: Based on a June 4, 2007 trial date, supplementations under Rule 26(e) due May 4, 2007.

5. **Other Items.**

(a) The parties request a conference with the court before entry of the scheduling order.

(b) **Plaintiffs:** Based on a February 12, 2007 trial date, the parties request a pretrial conference in January, 2007.

Defendant: Based on a June 4, 2007 trial date, the parties request a pretrial conference in May, 2007.

(c) **Plaintiffs:** Based on a February 12, 2007 trial date, plaintiffs should be allowed until November 10, 2006 to join additional parties and until November 10, 2006 to amend the pleadings.

Defendant: Based on a June 4, 2007 trial date, plaintiffs should be allowed until February 2, 2007 to join additional parties and until February 2, 2007 to amend the pleadings.

(d) **Plaintiffs:** Based on a February 12, 2007 trial date, defendant should be allowed until November 17, 2006 to join additional parties and until November 17, 2006 to amend the pleadings.

Defendant: Based on a June 4, 2007 trial date, defendant should be allowed until February 9, 2007 to join additional parties and until February 9, 2007 to amend the pleadings.

(e) **Plaintiffs:** Based on a February 12, 2007 trial date, all potentially dispositive motions should be filed by December 11, 2006.

Defendant: Based on a June 4, 2007 trial date, all potentially dispositive motions should be filed by March 5, 2007.

(f) **Plaintiffs:** Based on a February 12, 2007 trial date, final lists of witnesses and exhibits under Rule 26(a)(3)(A) and (B) are due to be filed on or before January 31, 2007.

Defendant: Based on a June 4, 2007 trial date, final lists of witnesses and exhibits under Rule 26(a)(3)(A) and (B) are due to be filed on or before May 21, 2007.

(g) Final lists of exhibits under Rule 26(a)(3)(C) are due to be filed no later than 20 days prior to the first day of the term of court during which this case is scheduled for trial.

(h) The parties should have 14 days after service of final lists of witnesses and exhibits to list objections under Rule 26(a)(3).

(i) **Plaintiffs:** The case should be ready for trial by February 12, 2007 and should last approximately 2-3 days.

Defendant: The case should be ready for trial by June 4, 2007 and should last approximately 3-4 days.

Dated this 7th day of September, 2006.

/s/ Fred D. Gray, Jr. .
Fred D. Gray (GRA022)
Fred D. Gray, Jr. (GRA044)
Attorneys for Defendant,
David Warren, Sheriff of Macon County, Alabama

OF COUNSEL:

GRAY, LANGFORD, SAPP, McGOWAN,
GRAY & NATHANSON
P.O. Box 830239
Tuskegee, AL 36083-0239
(334)727-4830 Telephone
(334)727-5877 Facsimile
fgray@glsmgn.com
fgrayjr@glsmgn.com

OF COUNSEL:

THOMAS, MEANS, GILLIS & SEAY, P.C.
P.O. Box 5058
Montgomery, Alabama 36103-5058
(334)270-1033 Telephone
(334)260-9396 Facsimile
kthomas@tmgslaw.com
rsjones@tmgslaw.com

/s/ Ramadanah M. Salaam-Jones .
Kenneth L. Thomas, Esq. (THO043)
Ramadanah Salaam-Jones, Esq. (SAL026)
Attorneys for Macon County Investments, Inc. and Reach One, Teach One of America

OF COUNSEL:

GRASSO DUNLEAVY, P.C.
7020 County Line Road
Suite 100
Burr Ridge, IL 60527
(630)654-4500 Telephone
(630)355-4646 Facsimile

/s/ Gary A. Grasso .
Gary A. Grasso, Esq.
Adam R. Bowers, Esq.
Attorneys for Macon County Investments, Inc. and Reach One, Teach One of America